



BOARD OF HEALTH

~~ MINUTES ~~

Thursday, October 17, 2024

131 Pleasant St, Room A

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 4:00 p.m.

Staff in attendance: Roque Miramontes, Director of Public Health; John Hedden, Chief Environmental Health Officer; Tomeka Gary, Public Health Coordinator; Jerico Mele, Human Services Director; Heather Nardone, Health Department Inspector; Jake Visco, Health Department Inspector; Amy Baxter, Nantucket Police Department; Gregg Corbo, Town Counsel.

Attending Members: Malcom MacNab, Chairman; Ann Smith, Vice-chair; Meredith Lepore, James Cooper, Kerry McKenna

Public Participant: Meg Ruley, Curtis Barnes, Gavin Norton, Gary Connor, John Berry, Jeff Blackwell, Don Bracken, Sarah Henderson, John Henderson

I. ANNOUNCEMENTS

Chair MacNab announced that this meeting is being audio and video recorded

Chair MacNab delegated facilitation of this meeting to vice-chair Smith as he was joining the meeting remotely

II. PUBLIC COMMENTS

Public Comment:	Meg Ruley stated she submitted a letter earlier today to BOH requesting results of PFAS testing of private wells be released online or to the public as requested.
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III. APPROVAL OF MINUTES 00:01:02

Action:	Motion to approve the minutes of September 10, 2024, and September 19, 2024, as submitted. (Motion by: Cooper) (Seconded by: Lepore)
Roll-Call Vote:	Carried 5-0// MacNab, Cooper, Smith, McKenna, Lepore (Aye)

IV. Discussion of potential health effects of large events at private homes on Nantucket

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	-
Discussion:	Roque Miramontes - Introduced the topic for discussion. Several complaints received by Town regarding large events at private homes. Does this represent a public health risk the BOH should address? Amy Baxter - Described the licensing and permitting of public events, but that large effects at private homes do not require the same level of permitting so activities fall outside of regulations. Events of 250 or more require a Select Board public hearing. Brought up that AirBNB has instituted rules that affect groups of 25 or more. Gregg Corbo - Introduced potential options for regulating these large scale events to the extent that they are occurring on properties that are short-term rentals. Stated the BOH has broad statutory authority to regulate anything that is necessary for the protection of public health in the town including eradication of any nuisances. Stated short-term rental bylaws regulations are in place to ensure that operation of a short-term rental does not create a cause of a nuisance to the surrounding neighborhood. Ann Smith

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	- Stated this is a complicated issue and does not believe it is in the purview of the BOH. Kerry McKenna - Stated there should be a common set of rules regardless of whether it is a permitted venue, private home or short-term rental and it doesn't seem right to apply new rules to short-term rentals only. Meredith Lepore - Believes that short-term rentals are different than private homes or permitted venues because there is not the same level of property owner oversight to ensure the neighborhood is not disturbed. Gregg Corbo - Stated the difference between short-term rentals and private homes from a regulatory standpoint is the enforcement. A short-term rental has regulations that must be followed, or they risk losing their registration. Ann Smith - Stated there were many things to consider but that it is unclear as to exactly how this issue should be regulated and by whom. Malcolm MacNab - Agrees that it is unclear as to whether this was a Board of Health, Building, or Select Board issue. He agreed to take this back to the Select Board to discuss options on addressing this issue from an all-island perspective.
Public Comment:	No public comment
Action:	No Motion. Chair MacNab to take this topic to the Select Board to discuss a more comprehensive response that involves additional Town groups.
Roll-Call Vote	None

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V. Policy proposal for short-term rental registrations completed in 2024	
Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	Ann Smith - Described the contents of the policy change and stated it was a clarification and straightforward in nature. Curtis Barnes - Stated that the decision to set the short-term rental registration fee at \$250 per year was arbitrary and too high. Recommended the amount of the fee be reconsidered. Ann Smith - Indicated the amount of the fee was off topic and that the purpose of this agenda item was to consider the policy change. Roque Miramontes - Summarized the policy for the board. - All 2024 registrations would count toward the 2025 short-term rental year and on November 1, 2025, registrations must be renewed for the 2026 year.
Public Comment:	
Action:	Motion to approve policy as written made by Cooper. (Seconded by: Lepore)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper

VI. 3 Update on Recreational Camp variances	
Sitting:	MacNab, Cooper, Smith, McKenna
Recused:	Lepore
Discussion:	Health Nardone - Made presentation that included most often requested variances for the 2024 season as well as new requirements for this year in an attempt to streamline registration process for the upcoming 2025 summer season. Gavin Norton - Indicated he runs the ACK Surf School and received many of the variances described in the presentation. Described the challenges of trying to meet camp regulatory requirements and asked for clarification for requirements. Gary Connor - Runs Nantucket Island Surf School and asked additional questions about water bottle requirements. Additionally, asked for clarification for what constitutes a camp since he primarily offers one-hour lessons with the parents waiting on the beach. Ann Smith - Stated this is just an initial attempt to rectify some of the issues around camp variances faced last spring, and that it appears based on this discussion that each camp will have to be addressed individually via variance request as was done in the spring. Gavin Norton - Indicated he was concerned around the timeline for new variances to be considered and wants to ensure they are quickly considered so he can plan for the upcoming camp season. John Berry - Owner of Next Level Water Sports and indicated he had a successful camp season last year and wanted to highlight the need for a quick review of variances as the unknown around whether variances will be approved is a risk to the successful operation of his business. Ann Smith - Understood the need to have camp variances addressed early and the BOH can work toward reaching

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	that goal.
Public Comment:	
Action:	Board of Health will make effort to address camp variance requests in a more timely manner. No motion.
Roll-Call Vote	

VIII. 26 Creek Lane variance request

Discussion:	Jeff Blackwell - Spoke on behalf of property owner. - The property owner, Judith Fee, will submit a septic system design plan to replace existing 1992 conventional system. The new system incorporates nitrogen reducing MicroFAST technology. Specific variances are for 303-3B, 303-3C, 303-5.2C, 303-16A. - Would like permission to install a four-bedroom system John Hedden - Agreed with the request for the variance as the BOH has previously granted variances along this road surrounding this issue.
Public Comment:	
Action:	Motion to approve as written (McKenna), (Seconded by: Cooper)
Roll-Call Vote	Carried 5-0// MacNab, Cooper, Smith, McKenna, Lepore (Aye)

VIII. 3 Pops Lane – 303 Madaket Harbor Watershed variance request

Discussion:	Don Bracken - Spoke on behalf of property owner. - Applicant proposes to raze and rebuild the existing structures and replace the existing 5-bedroom soil absorption system with a new 6-bedroom system that utilizes a Septi-Tech denitrification system. - Variance request is from Ch303-3B, SAS to Property Line required 50', proposed 10', (4 Washington Ave) and SAS to property line required 50' proposed 41' (333 Madaket Rd). Ch303-3C, a 12' variance is requested to allow a 3' separation between the primary soil absorption system and the reserve soil absorption system (15' required). John Hedden - Described the regulatory requirements, agreed with what Mr. Bracken's description of the request and did not see an issue with this request. Meredith Lepore - Stated she had concerns with this request as it appears they are planning to put a pool on this property, which is affecting where the new system is being installed that requires the need for the variance and the chemicals used in pools could be introduced to the area. John Hedden - Stated there was a variance granted in 1993 for this property due to the odd shape of the lot. Kerry McKenna - Raised question as to confirmation of whether this property was sold in 2021 and an I/A system installed. Meredith Lepore - Had the same question and concern around conservation requirements in the area. Don Bracken - Willing to delay decision on this variance until clarity around 2021 sale can be confirmed. John Hedden - Stated he signed off the inspection in 2021 and there is not an I/A system in place currently. Don Bracken - Acknowledged that things were changing, but stated they should be allowed if there is no risk to the environment. Kerry McKenna - Stated there should be a continuance to confirm if a new system was installed in 2021 and to also consider this request further.
Public Comment:	
Action:	Motion to continue this request until November 2024 BOH meeting (Motion by: MacNab), (Seconded by: McKenna)
Roll-Call Vote	Carried 5-0// MacNab, Cooper, Smith, McKenna, Lepore (Aye)

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VII. Surfside Crossing Development	
Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	Malcom MacNab - ZBA made a request to the Board of Health for comments related to the Surfside Crossing Development. This will require careful consideration and a new BOH meeting will be scheduled to finalize comments on 10/24/2025. Roque Miramontes - Reviewed draft comments document with BOH that considered the 2018 Select Board comments on this project as well as what could still be considered by the board based on what was shared by ZBA when they requested comments. The one issue with the largest amount of input from board members and the public is storm water runoff and how it might affect nearby private drinking wells. Meredith Lepore - Believes the storm water runoff was a significant issue that needed to be addressed. She also expressed significant concern with the waiver request that could limit the ability for emergency vehicles to access the property. Stated that ZBA is asking for comments from multiple groups as they will serve as the entity that provides comments on behalf of stakeholders. Malcom MacNab - States he feels he has an understanding of what the wishes of the board are regarding contents of BOH comments and will write a draft to be considered at a special open meeting to be scheduled on 10/24/2024 at 3PM via Zoom. Board will provide final comments to ZBA by October 29, 2024.
Public Comment:	-
Action:	Meeting to finalize BOH comments to be scheduled for 10/24/2024 at 3PM via Zoom
Roll-Call Vote	

IX. Director's Report	
Discussion:	Roque Miramontes - A second flu and vaccine clinic is planned for 10/19/2024. The last clinic did not go smoothly but new measures were put in place to improve process. - 320 vaccinated representing 531 total doses of either flu or COVID provided at 10/5/2024 clinic - ServSafe class will be conducted by the Health Department from November 6-8. Cost has been lowered to \$42.50 from the previous \$175 last year.

V. Adjourn	
Action	Motion to adjourn the meeting (Motion by: Cooper) (Seconded by: Lepore)
Roll-Call Vote:	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

Submitted by: Roque Miramontes